

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
For Approval of a Pole Attachment)
Agreement With AT&T Corp. for HITS)
Contract.)
_____)

Docket No. 02-0166

Order No. 19665

ORDER

I.

On June 25, 2002, HAWAIIAN ELECTRIC COMPANY, INC. (HECO) filed an application requesting commission approval of the Pole Attachment Agreement between HECO and AT&T Corp., dated June 4, 2002 (Agreement). HECO attached the Agreement to its application and designated it as Exhibit 1. The request was made pursuant to Hawaii Revised Statutes § 269-19 and Hawaii Administrative Rules (HAR) § 6-80-78(a).

HECO served two copies of the application on the DIVISION OF CONSUMER ADVOCACY OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (Consumer Advocate). On September 4, 2002, the Consumer Advocate served HECO with information requests (IRs). On September 19, 2002, HECO filed its responses to the IRs.

HAR § 6-80-78(c) requires the commission to approve or reject agreements concerning access to poles, ducts, conducts, and rights-of-way adopted voluntarily by negotiation within 90 days after submission of the agreements for commission

approval (90-day review period). If the commission fails to act within the prescribed time, the agreement is deemed approved.¹

The 90-day review period for the commission to act on HECO's application in this docket expires on September 23, 2002. By letter dated and filed September 20, 2002, HECO voluntarily waives the requirement that the commission approves or rejects its application within the 90-day review period (waiver), until October 23, 2002.²

II.

Upon review, the commission will approve HECO's waiver, as set forth in its letter, filed on September 20, 2002. Based on the unique circumstances of this docket, the commission finds it reasonable to expressly set a date for the Consumer Advocate to file its statement of position. Thus, the commission concludes that it should require the Consumer Advocate to file its statement of position on the matters of this docket by October 16, 2002.

III.

THE COMMISSION ORDERS:

1. HECO's waiver filed on September 20, 2002, is approved.

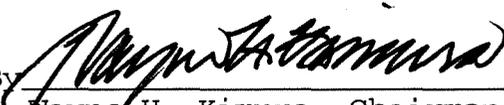
¹See HAR § 6-80-78(c).

²HECO states that it submitted the waiver request to allow the Consumer Advocate additional time to issue its statement of position and for the commission to make its decision.

2. The Consumer Advocate shall file its statement of position on the matters of this docket by October 16, 2002, unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii this 20th day of September, 2002.

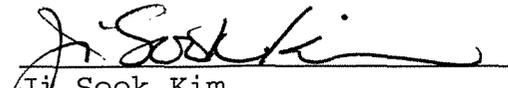
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Ji Sook Kim
Commission Counsel

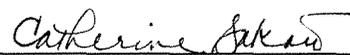
02-0166.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19665 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

WILLIAM A. BONNET, P.E.
VICE PRESIDENT
GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001



Catherine Sakato

DATED: September 20, 2002